

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-220204.2; B-220205.2 DATE: October 18, 1985

MATTER OF: Crimson Enterprises, Inc.--Reconsideration

DIGEST:

Request for reconsideration is denied where protester neither alleges nor shows that prior decision was factually or legally erroneous.

Crimson Enterprises, Inc. (Crimson) requests reconsideration of our decision, Crimson Enterprises, Inc., B-220204.2, B-220205.2, Oct. 1, 1985, 85-2 C.P.D. ¶ _____, in which we dismissed Crimson's protest concerning U.S. Army Corps of Engineers solicitation No. DACA83-85-B-0201. We deny the request.

Crimson's bids on the procurements included required bid bonds which had not been signed by a surety representative. Based on our decision in Truesdale Construction Co., Inc., B-213094, Nov. 18, 1983, 83-2 C.P.D. ¶ 591, which involved nearly identical facts, we held that since there is conflicting authority as to whether an unsigned bid bond is sufficient to bind the surety, the contracting officer properly rejected Crimson's bid as nonresponsive.

We dismissed Crimson's protest prior to receiving its comments on the agency's report because it became clear, based on our review of Truesdale, that Crimson's protest was without merit. Our Bid Protest Regulations specifically provide for dismissal of a protest as soon as it becomes apparent that it is without merit. 4 C.F.R. § 21.3(f) (1985). Crimson has submitted its comments with its reconsideration request, and asks that we reconsider our decision based on these comments.

In order to prevail in a request for reconsideration, the protester must establish that our decision was based on errors of fact or law. 4 C.F.R. § 21.12. Crimson's comments largely urge that our decision in Truesdale and on its protest will have the negative effect of affording agencies discretion to determine the acceptability of bid bonds, and to reject low bids such as Crimson's which would result in cost savings for the government.

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The fact that a protester believes a decision may have a certain negative impact, however, does not establish that our decision is incorrect. Crimson asserts neither that we ignored or misinterpreted material facts, nor that our decision is inconsistent with any statute, regulation, or other applicable legal authority. We therefore have been presented with no basis for concluding that our decision is factually or legally incorrect.

The request for reconsideration is denied.

for *Seymour Efron*
Harry R. Van Cleave
General Counsel